



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Coal Mine Health And Safety

TITLE-SERIES: 36-06

RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: LONGWALL MINING

CITE STATUTORY AUTHORITY: W. Va. Code § 22A-6-4

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 10/21/2019 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

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PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

The Series regulates the operation of longwall mines within the State.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Pursuant to the regulatory review and reform initiatives established in West Virginia Code § 29A-3-20 (2016) and Executive Order No. 3-18, the proposed legislative-exempt rules modify and update Series 3 of Title 36 of the Code of State Rules to cross-reference the correct authorizing portions of the West Virginia Code and to reflect the appropriate designations for certain State and Federal agencies such as the Office of Miners Health, Safety. The proposal further modifies the requirements related to methane gas detection to be consistent with West Virginia Code § 22A-2-43. Finally, the proposal corrects several typographical errors in the Series including errors in section, division, and subdivision numbering.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

The proposed legislative-exempt rule is not anticipated to impact the revenues of State Government. The proposal simply updates Series 6 of Title 36 of the Code of State Rules to reflect proper citations to the West Virginia Code, the proper names of certain State agencies, and the requirements for detection of methane gas to be consistent with West Virginia Code § 22A-2-43 pursuant to the regulatory review and reform initiatives established in West Virginia Code § 29A-3-20 (2016) and Executive Order No. 3-18.

B. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

The proposed legislative-exempt rule is not anticipated to economically impact the State or its residents. The proposal simply updates Series 6 of Title 36 of the Code of State Rules to reflect proper citations to the West Virginia Code, the proper names of certain State agencies, and the requirements for detection of methane gas to be consistent with West Virginia Code § 22A-2-43 pursuant to the regulatory review and reform initiatives established in West Virginia Code § 29A-3-20 (2016) and Executive Order No. 3-18.

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2019 Increase/Decrease (use "-")	2020 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs and Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

The proposed legislative-exempt rule is not anticipated to have a fiscal impact.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Wesley H White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 36
LEGISLATIVE RULE
BOARD OF COAL MINE HEALTH AND SAFETY

SERIES 6
LONGWALL MINING

§36-6-1. General.

1.1. Scope. -- Rules and Regulations Governing Longwall Mining Within the State of West Virginia.

1.2. Authority. -- W. Va. Code ~~§22-6-4.~~ §22A-6-4.

1.3. Filing Date. -- ~~April 28, 1994.~~

1.4. Effective Date. -- ~~June 1, 1994.~~

1.5. Other Law Applicable. -- All provisions of the Mining Law of this State, specifically ~~Chapter 22 A, Article 2 A of the Code~~ W. Va. Code §§22A-2-1 et seq., are applicable to longwall mining, except to the extent that these regulations cover the specific requirement.

§36-6-2. Effective Law and Regulation.

2.1. These regulations shall have the effect of law and violations shall be deemed a violation of law and so cited with the same effect as law. All provisions of W. Va. Code ~~'22A-1-1~~ §22A-1-1 et seq. relative to enforcement are applicable to the enforcement of these regulations.

§36-6-3. Definitions.

3.1. ~~Department Office.~~ -- The term "~~Department Office~~" shall mean the Office of Miners' Health, Safety and Training provided for in W. Va. Code ~~'22A-1A-2~~ §22A-1-1 et seq.

3.2. Approved -- The term "Approved" shall mean in strict compliance with mining law, or, in the absence of law, accepted by a recognized standardizing body or organization whose approval is generally recognized as authoritative on the subject.

3.3. Accessible Travel Route -- "Accessible Travel Route" means an unobstructed passageway not less than twenty-four (24) inches wide with reflective material at twenty-five (25) foot intervals.

3.4. Retreat Longwall Working Face. The term "Retreat Longwall Working Face" shall mean a working place in a coal mine in which work of extracting coal from its natural deposit in the earth is performed during a mining cycle by a longwall mining system.

3.5. Retreat Longwall Working Section -- The term "Retreat Longwall Working Section" shall mean all areas from and including the section transformer to and including the longwall working face.

3.6. Caving Line -- The term "Caving Line" shall mean the line on the roof formed by the rear most projection of the roof support canopies once the longwall section has started retreating.

§36-6-4. Plans for Longwall Mining; Approval by Office of Miners' Health, Safety and Training.

4.1. After the effective date of these rules and regulations, no longwall mining shall be started in any coal mine until required plans for longwall mining have been filed and approved by the Office of Miners' Health, Safety and Training, which approval shall not be unreasonably withheld. All revisions to such approved plans shall be resubmitted for approval to the Office of Miners' Health, Safety and Training.

4.2. Longwall mining plans submitted for approval to the Office of Miners' Health, Safety and Training shall include the following:

~~(a)~~ 4.2.1. Company Name

~~(b)~~ 4.2.2. Mine Name

~~(c)~~ 4.2.3. Mine Location

~~(d)~~ 4.2.4. Mine Address

~~(e)~~ 4.2.5. Telephone Number (Mine)

~~(f)~~ 4.2.6. Name, title and telephone number of person submitting plan.

~~(g)~~ 4.2.7. Mine D Number

~~(h)~~ 4.2.8. Longwall Mining Roof Control Plan (All approved roof control plans for longwall mining sections shall include a plan indicating the roof support to be used and the working procedures to be followed when a cavity is encountered over chocks.)

~~(i)~~ 4.2.9. Longwall shields and chocks shall be lowered and/or depressurized by the use of a hydraulic pump, and shall not be lowered and depressurized manually. Methods for lowering and depressurizing such as, but not limited to, removing hoses or releasing yield valves are prohibited. Longwall shields and chocks shall not be lowered or depressurized by any other means unless approved by the Director if it is determined that safety is not diminished.

~~(j)~~ 4.2.10. Ventilation Plan, which shall include the complete section and face ventilation controls and bleeder systems.

~~(k)~~ 4.2.11. Methane and Dust Control Plan.

~~4.2.~~ 4.3. After approval of submitted plans has been obtained from the Office of Miners' Health, Safety and Training as required in Section 4.1. and 4.2 of these rules and regulations, additional approvals for new longwall sections will not be necessary; providing required plans initially approved and/or revised are complied with.

~~4.3.~~ 4.4. In coal mines where retreat longwall mining section operations are in progress prior to the effective date of these rules and regulations, no new longwall mining sections shall be started until required plans for longwall mining have been filed and approved by the Office of Miners' Health, Safety and Training, which approval shall not be unreasonably withheld.

§36-6-5. Chock and/or Shield Recovery Plan from Longwall Face; Approval by Office of Miners' Health, Safety and Training.

5.1. The operator shall develop a plan for recovery of chocks and/or shields or other longwall roof support. Such recovery shall not be initiated until such recovery plan is approved by the Office of Miners' Health, Safety and Training, which approval shall not be unreasonably withheld. All revisions to such approved plan shall be resubmitted for approval to the Office of Miners' Health, Safety and Training.

§36-6-6. Communications; Longwall Working Face; Longwall Working Section.

6.1. Two-way communication facilities, approved by the Director of the Office of Miners' Health, Safety and Training, shall be provided at the headgate, tailgate and across each longwall section face. During the production of coal longwall section face communication facilities shall be a separate system from the mine communication facilities. Longwall section face communication facilities shall be located at a point not more than one-hundred (100) feet apart across the longwall section face.

6.2. Two-way communication facilities shall be provided on each longwall working section. During production of coal the headgate operator, or other designated person, shall be continuously available with the longwall section communication and longwall face communication facilities.

§36-6-7. Electrical De-energizing Devices; Longwall Section Face Conveyor.

7.1. After the effective date of these rules and regulations, all new installed longwall section face conveyers shall be provided with lock-out type de-energizing devices to de-energize the electrical power on the longwall section face conveyor. Such de-energizing devices shall be provided at intervals of not more than fifty (50) feet when the height of the coal seam is below forty-eight (48) inches and at intervals of not more than one-hundred (100) feet when the height of the coal seam is above forty-eight (48) inches.

Twelve (12) months after the effective date of these rules and regulations all longwall mining sections that were in operation prior to the effective date of these rules and regulations shall be provided with lock-out type de-energizing devices on face conveyers as required in the aforementioned paragraph.

7.2. The headgate operator on the longwall section face shall be provided with emergency de-energizing devices to de-energize immediately the longwall mining face equipment.

~~7.3.~~

~~(4) 7.3.1.~~ At the beginning of each coal producing shift all emergency de-energizing devices shall be checked for proper functioning. If an emergency de-energizing device is found malfunctioning, mining operations shall not begin until all de-energizing device is repaired.

~~(2) 7.3.2.~~ If during a coal producing shift a de-energizing device malfunctions, a designated person shall be stationed at the next de-energizing device until such time the malfunctioning de-energizing device is functioning properly.

~~(3) 7.3.3.~~ At no time shall more than one de-energizing device be malfunctioning while mining operations are in progress.

7.4. Longwall section face conveyor electrical circuits shall be designed so the face conveyor will not

start at any other location until the lockout device is disengaged at the point of initial interruption.

7.5. All shearer and plow motors used on a longwall section face shall be designed so that the cutting bits on the shearer or plow cannot begin operating when electrical power is initially applied.

7.6. No person shall perform work on the panline or on the face side of the panline unless such equipment is de-energized and locked out.

§36-6.8. Methane Examinations; Monitor, Face Area.

8.1. The Director or his representative shall require an approved methane monitor to be installed at the headgate on a longwall working section. The censoring unit indicating the atmospheric conditions on the above methane monitor shall be installed at a location in by the rib line on the return side of the longwall face.

8.1.1. The methane monitor shall be kept operative and properly maintained and tested weekly.

8.1.2. Such methane monitor shall give warning automatically when the concentration of methane reaches a maximum percentage of not more than 1.0 volume percentum of methane.

8.1.3. The operator of any mine which longwall mining is performed shall establish and adopt a definite maintenance program designed to keep such methane monitors operative and a written description of such program shall be available for inspection. At least once ~~each month~~ every fifteen (15) days the methane monitors shall be checked for operating accuracy with a known methane air mixture and shall be calibrated as necessary. A record of calibration tests shall be kept in a book on the surface.

~~If the methane monitor on a longwall mining section malfunctions the operator shall have such monitor repaired within twelve (12) hours, however, during that period of time the methane monitor is inoperative, the electric equipment shall not be operated for a longer period than ten minutes without an examination for methane gas, the two hour examination as required in Section 8.2 of these rules and regulations shall be conducted on one hour intervals and air reading on the intake side of the longwall face shall be collected on one hour intervals.~~

~~If for extraordinary reasons parts are unavailable to correct the malfunction on the methane monitor, within twelve hours, the operator shall notify the Office of Miners' Health, Safety and Training who will evaluate the circumstances.~~

~~If a malfunction to the methane monitor occurs on a longwall working section, the supervisor on such shift shall indicate in his on shift examination report, in the fire boss report books, the date and time such methane monitor malfunctioned.~~

8.2. It shall be the duty of the certified person designated by the mine foreman to supervise a longwall section, to examine the longwall face for hazards at least once every two (2) hours during each coal producing shift or more often if necessary for safety. Such examination shall include test for methane gas and oxygen deficiency. Such methane and oxygen deficiency examinations shall be made in at least one hundred foot intervals, between the headgate and tailgate. The initials, date, and time shall be recorded at the test locations.

8.3. Should one percent or more of methane gas be detected, the electrical equipment shall be

immediately de-energized and the electrical power circuit then disconnected from the power supply until the place is pronounced safe by a certified person.

§36-6-9. Safety Provisions - Longwall Section Face Conveyor.

9.1. No person shall cross the longwall section face conveyor while such is in operation, unless a crossover is provided for a person to cross the face conveyor safely.

9.2. Prior to starting a longwall section face conveyor, telephone pager communications or other effective warning signal shall be sounded to alert all persons across the longwall section working face.

9.3. No person shall ride the longwall section face conveyor; however, a plan may be submitted to the Director of the Office of Miners' Health, Safety and Training for approval for the removal of injured persons on the longwall section face conveyor, provided it is necessary to transport such injured person on a stretcher or backboard.

9.4. All new face roof support units shall be equipped with adjacent unit controls unless units have a wide single canopy over each unit that protects the workman from falling material when operating unit controls from within the support of shield unit being removed.

9.5. After the effective date of these rules and regulations all new installed face roof support units shall be equipped with an outlet to facilitate measurement of the interior prop pressure.

9.6. After the effective date of these rules and regulations all new installed face roof support units shall be equipped with an outlet to facilitate measurement of the yield pressure.

~~9.6.~~ 9.7. Yield valves of face roof support units shall be calibrated at least annually within fifteen (15) percent of the yield pressure specified in the approved roof control plan. A legible record of such calibrations of each valve shall be kept on the surface of the mine for at least eighteen (18) months and be available for inspection by interested persons.

§36-6-10. Cutting and Welding; Longwall Mining Section.

10.1. Prior to cutting and welding being performed on a longwall section face methane gas examinations shall be made by a certified mine foreman-fire boss or assistant mine foreman-fire boss. Cutting and welding may only be performed when methane gas is less than one percent. A certified person as defined above shall be continuously present during all cutting and welding operations.

10.2. Prior to cutting or welding on a longwall section face panline, such open bottom type panlines shall be jacked up, blocked and/or properly secured off the bottom a distance of at least ten (10) feet along the face on both sides where such cutting is to be performed. Methane examinations shall be made before cutting and welding is initiated on such panlines.

10.3. When cutting and welding operations have been completed a certified person as defined above shall search for fires and hot spots. If fires or hot spots are found, they shall be extinguished immediately.

§36-6-11. Longwall Mining - General Requirements.

11.1. All hydraulic line repairs shall be performed in accordance with the requirements of the

manufacturer's specifications.

11.2. All hydraulic roof support units and associated apparatus on a longwall working face shall be visually inspected at least once during each coal production shift by a qualified person. A written record of such examination shall be maintained on the surface.

§36-6-12. Longwall Mining; First Aid Equipment.

12.1. First aid equipment required on each working section as defined in ~~Chapter 22 A, Article 2, Section 59 of the West Virginia Code~~ W. Va. Code §22a-2-59 shall be maintained in the headgate and tailgate entries at a point not to exceed one hundred-fifty (150) feet outby the longwall working face.

§36-6-13. Accessible Travel Route - Longwall Mining Section.

13.1. An accessible travel route shall be maintained at all times off of the tailgate end of the retreat longwall working face.

13.2. However, the operator may develop a plan for approval, by the Office of Miners' Health, Safety and Training to continue operation of the longwall working section in the event the tailgate route becomes impassable. Such plan shall include necessary provisions to be taken to provide additional protective devices for longwall section personnel.

13.3. When the tailgate travel routes becomes impassable the longwall operation shall cease immediately and all persons working on such longwall section shall be familiarized of the procedures to follow for escape from such section. Such approval plan by the Office of Miners' Health, Safety and Training shall be implemented immediately.

13.4. The operator shall immediately notify the Office of Miners' Health, Safety and Training when such travel route becomes impassable.

13.5. The Office of Miners' Health, Safety and Training representative shall immediately upon notification establish a scheduled meeting with the operator and representatives of the miners at such mine.

§36-6-14. Training - Longwall Mining Section.

14.1. Training programs in the hazards of longwall mining shall be submitted for approval to the Director of the Office of Miners' Health, Safety and Training.

14.2. The training program shall consist of the following:

~~(a)~~ 14.2.1. Escapeway and Travel Routes

~~(b)~~ 14.2.2. Ventilation

~~(c)~~ 14.2.3. Roof Support

~~(d)~~ 14.2.4. Communications

~~(e)~~ 14.2.5. Stop Controls and Signals

~~(f)~~ 14.2.6. Location of First-Aid Equipment

~~(g)~~ 14.2.7. Safety Rules for Longwall Mining